

10-11-2 Inspection of property -- Notice.

- (1)
- (a) If a municipality adopts an ordinance describing the duties of a municipal inspector appointed under Section 10-11-1, the ordinance:
 - (i) may, subject to Subsection (1)(b), direct the inspector to examine and investigate real property for:
 - (A) the growth and spread of injurious and noxious weeds;
 - (B) garbage and refuse;
 - (C) a public nuisance; or
 - (D) an illegal object or structure; and
 - (ii) if an inspector conducts an examination and investigation under Subsection (1)(a), shall direct the inspector to deliver written notice of the examination and investigation in accordance with Subsection (2).
 - (b) An ordinance described in Subsection (1)(a) may not direct an inspector or authorize a municipality to abate conditions solely associated with the interior of a structure, unless required for the demolition and removal of the structure.
- (2)
- (a)
 - (i) The municipal inspector shall serve written notice to a property owner of record according to the records of the county recorder in accordance with Subsection (2)(b).
 - (ii) The municipal inspector may serve written notice in accordance with Subsection (2)(b) to a non-owner occupant of the property or another person responsible for the property who is not the owner of record, including a manager or agent of the owner, if:
 - (A) the property owner is not an occupant of the property; and
 - (B) the municipality in which the property is located has adopted an ordinance imposing a duty to maintain the property on an occupant who is not the property owner of record or a person other than the property owner of record who is responsible for the property.
 - (b) The municipal inspector may serve the written notice:
 - (i) in person or by mail to the property owner of record as described in Subsection (2)(a)(i), if mailed to the last-known address of the owner according to the records of the county recorder; or
 - (ii) in person or by mail to a non-owner occupant or another person responsible for the property who is not the owner of record as described in Subsection (2)(a)(ii), if mailed to the property address.
 - (c) In the written notice described in Subsection (2)(a), the municipal inspector shall:
 - (i) identify the property owner of record according to the records of the county recorder;
 - (ii) describe the property and the nature and results of the examination and investigation conducted in accordance with Subsection (1)(a); and
 - (iii) require the property owner, occupant, or, if applicable, another person responsible for the property to:
 - (A) eradicate or destroy and remove any identified item examined and investigated under Subsection (1)(a); and
 - (B) comply with Subsection (2)(c)(iii)(A) in a time period designated by the municipal inspector but no less than 10 days after the day on which notice is delivered in person or post-marked.
 - (d) For a notice of injurious and noxious weeds described in Subsection (2)(a), the municipal inspector is not required to make more than one notice for each annual season of weed growth for weeds growing on a property.

(e) The municipal inspector shall serve the notice required under Subsection (2)(a)(i) under penalty of perjury.

Repealed and Re-enacted by Chapter 172, 2011 General Session